

ORDINANCE NO. 2013 - 3481

AN ORDINANCE ADOPTING NEW BUILDING CODES (INTERNATIONAL CODE COUNCIL) BY AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING CHAPTER 82, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II "BUILDING CODES," SECTION 82-31 "ADOPTION" AND SECTIONS 82-32 "RESIDENTIAL CODE AMENDMENTS," AND 82-33 "BUILDING CODE AMENDMENTS"; ARTICLE III "PLUMBING CODE," SECTION 82-66 "ADOPTION" AND 82-67 "AMENDMENTS"; ARTICLE VI "ENERGY CONSERVATION CODE," SECTION 82-412 "ADOPTION" AND SECTION 82-413 "AMENDMENTS"; ARTICLE VII "MECHANICAL CODE," SECTION 82-441 "ADOPTION" AND 82-442 "AMENDMENTS"; ARTICLE IV. "ELECTRIC CODE" DIVISION 4. INSPECTIONS, SECTION 82-308 "INSTALLATIONS TO BE CONCEALED," AND DIVISION 5. STANDARDS, SECTION 82-338 "ALUMINUM CONDUCTORS" AND SECTION 82-349 "SUSPENSION OF APPROVAL OF MATERIALS"; REPEALING ARTICLE V. "FUEL GAS CODE" IN ITS ENTIRETY; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 82, "Buildings and Building Regulations," Article II, "Building Code," Section 82-31 "Adoption," and Sections 82-32 and 82-33 "Amendments," of the Code of Ordinances, La Porte, Texas, are hereby amended to read as follows:

"Sec. 82-31. Adoption.

- (a) Except as provided in this division, the International Residential Code and the International Building Code, 2012 editions, published by the International Code Council, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling in the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of buildings and structures within the city limits. One copy of the building codes is on file in the office of the city secretary.
- (b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.
- (c) Any person who shall violate any provision of the standards adopted or established in this article shall upon conviction be punished as provided in Appendix B.

(d) Fees shall be in accordance with Appendix A of the City's Code of Ordinances.

Sec. 82-32. Residential Code Amendments.

The residential building code adopted in Section 82-31 of this Article shall be amended to read as follows:

Section R105.2 *Work Exempt from Permit.* **Plumbing:** The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets.

Table R301.2(1) *Climatic and Geographic Design Criteria.* Establishment of criteria in accordance with table shown.

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY "a"	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP "b"	ICE BARRIER UNDERLAYMENT REQUIRED "c"	FLOOD HAZARDS "d"	AIR FREEZING INDEX "e"	MEAN ANNUAL TEMP "f"
	Speed "a" (mph)	Topographic effects "b"		Weathering "a"	Frost Line Depth "b"	Termite "c"					
0	120	No	A	N	12"	VH	32°	No	4-9-87 11-6-96 6-18-07	1500 or less	67°

Section R301.2.1.2 *Protection of Openings.* Exterior glazing, in new or building additions, located in windborne debris regions shall be protected from windborne debris. Glazed opening protection for windborne debris shall meet the requirements of the Large Missile Test of ASTM E 1996 and ASTM E 1886 referenced therein. The applicable wind zones for establishing missile types in ASTM E 1996 are shown on Figure R301.2(4)C. Garage door glazed opening protection for windborne debris shall meet the requirements of an approved impact-resisting standard or ANSI/DASMA 115.

Part VIII, *Electrical Chapters 34-43 (E3401 thru E4304.5)* are deleted in their entirety.

Sec. 82-33. Building Code Amendments.

The building code adopted in Section 82-31 of this Article shall be amended to read as follows:

Section 101.1 *Title.* These regulations shall be known as the Building Code of the City of La Porte, hereinafter referred to as "this code".

Section 419 *Live/Work Units.* Deletion of entire section (Sections 419.1 thru 419.9)

Chapter 16, Figure 1609B, Ultimate Design Wind Speed (3-Second Gust). Wind speed for the City shall be 120 mph.

Section 27 Electrical. Chapter (Sections 2701 thru 2702.3) is deleted in its entirety.

Section 28 Mechanical Systems. Chapter (Section 2801) is deleted in its entirety."

Section 2: That Chapter 82, "Buildings and Building Regulations," Article III, "Plumbing Code," Section 82-66 "Adoption," and Section 82-67 "Amendments", of the Code of Ordinances, La Porte, Texas, are hereby amended to read as follows:

"Sec. 82-66. Adoption.

- (a) Except as provided in this article, the Uniform Plumbing Code, 2012 edition, published by the International Association of Plumbing and Mechanical Officials, as addressed by the plumbing regulations of the International Residential Code, 2012 edition, as adopted by Section 82-31 of this Chapter, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling in the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of buildings and structures within the city limits. One copy of the building codes is on file in the office of the city secretary.
- (b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.
- (c) Any person who shall violate any provision of the standards adopted or established in this article shall upon conviction be punished as provided in Appendix B.
- (d) Fees shall be in accordance with Appendix A of the City's Code of Ordinances.

Sec. 82-67. - Amendments.

The plumbing code adopted in section 82-66 of this article shall be amended to read as follows:

Section 102.3 Board of Appeal. Sections 102.3 and 102.3.1 are deleted in their entirety.

Section 103.1 General. Delete in its entirety.

Section 103.1.1 (2) Exempt Work. The clearing of stoppages, including the removal and reinstallation of water closets, or the repairing of leaks in pipes, valves, or fixtures.

Section 103.4 Fees. Fees shall be assessed in accordance with Appendix A of the City's Code of Ordinances.

Section 103.4.1 Plan Review Fees. Delete section in its entirety.

Section 103.4.4 Fee Refunds. Delete Sections 103.4.4 thru 103.4.4.2 in their entirety.

Section 106.6.3 Fee Refunds, No. 2. This section deleted in its entirety.

Section 106.6.3 Fee Refunds, No.3. This section deleted in its entirety.

Section 109 Means of Appeal. This section deleted in its entirety.

Appendix A Plumbing Permit Fee Schedule. This section deleted in its entirety.

Section 3: That Chapter 82, "Buildings and Building Regulations," Article V, "Fuel Gas Code" is hereby deleted in its entirety.

Section 4: That Chapter 82, "Buildings and Building Regulations," Article VI, "Energy Conservation Code," Division 2 "Standards", Section 82-412 "Adoption," and Section 82-413 "Amendments," of the Code of Ordinances, La Porte, Texas, are hereby amended to read as follows:

"Sec. 82-412. Adoption.

- (a) Except as provided in this article, the International Energy Conservation Code, 2012 edition, published by the International Code Council, as amended in Section 82-413 of this Article or addressed by the energy efficiency regulations of the International Residential Code, 2012 edition, as adopted by Section 82-31 of this Chapter, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling in the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of buildings and structures within the city limits. One copy of the building codes is on file in the office of the city secretary.
- (b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or

any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.

- (c) Any person who shall violate any provision of the standards adopted or established in this article shall upon conviction be punished as provided in Appendix B.

Sec. 82-413. Amendments.

The energy conservation code adopted in section 82-412 of this article shall be amended to read as follows:

Section C101.1 Title. This code shall be known as the International Energy Conservation Code of the City of La Porte, and shall be cited as such. It is referred to herein as "this Code".

Section C104.1 General. Construction or work for which a permit is required shall be subject to all required inspections. Inspections shall be performed by a certified and/or licensed party (i.e. 3rd Party).

Sections C104.4 thru C104.8.1. are deleted in their entirety.

Section R101.1 Title. This code shall be known as the International Energy Conservation Code of the City of La Porte, and shall be cited as such. It is referred to herein as "this Code".

Section R104.1 General. Construction or work for which a permit is required shall be subject to all required inspections. Inspections shall be performed by a certified and/or licensed party (i.e. 3rd Party).

Sections R104.4 thru R104.8.1 are deleted in their entirety."

Section 5: That Chapter 82, "Buildings and Building Regulations," Article VII, "Mechanical Code," Section 82-441 "Adoption," and Section 82-442 "Amendments" of the Code of Ordinances, La Porte, Texas, are hereby amended to read as follows:

"Sec. 82-441. Adoption.

- (a) Except as provided in this article, the Uniform Mechanical Code, 2012 edition, published by the International Association of Plumbing and Mechanical Officials, as addressed by the plumbing regulations of the International Residential Code, 2012 edition, as adopted by Section 82-31 of this Chapter, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling in the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of buildings and structures within the city limits. One copy of the building codes is on file in the office of the city secretary.

- (b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.
- (c) Any person who shall violate any provision of the standards adopted or established in this article shall upon conviction be punished as provided in Appendix B.
- (d) Fees shall be in accordance with Appendix A of the City's Code of Ordinances.

Sec. 82-442. - Amendments.

The mechanical code adopted in section 82-441 of this article shall be amended as follows:

Section 103.1 General. This section deleted in its entirety.

Section 106.5.3 Fee Refunds, No. 2 (Permit Fee). This section deleted in its entirety.

Section 106.5.3 Fee Refunds, No. 3 (Permit Fee). This section deleted in its entirety.

Section 108.0 Board of Appeals. This section deleted in its entirety.

Section 109 Means of Appeal. This section deleted in its entirety.

Section 114.1 General. Fees shall be assessed in accordance with Appendix A of The City's Code of Ordinances.

Section 114.2 Permit Fees. The fee for each permit shall be in accordance with Appendix A of the City's Code of Ordinances.

Section 114.3 Plan Review Fees. This section deleted in its entirety.

Section 114.5 Investigative Fees – Work Without a Permit. Delete Sections 114.5 thru 114.5.1 in their entirety.

Section 114.6 Fee Refunds. Delete Sections 114.6 thru 114.6.3 in their entirety."

Section 6: That Chapter 82, "Buildings and Building Regulations," Article IV, "Electrical Code," Division IV, "Inspections", Section 82-308 "Installations to be concealed" of the Code of Ordinances, La Porte, Texas, is hereby adopted to read as follows:

"Sec. 82-308. Installation to be concealed. When any part of a wiring installation is to be concealed by permanent placement of parts of a building, the master electrician or authorized

representative to whom the permit has been issued shall notify the inspector, provided that on such installation as the concealment or parts of the wiring must, in the discretion of the inspector, necessarily proceed continuously, the master electrician to whom the permit has been issued shall give the inspector due notice, and inspection made periodically during the progress of work. Where, in the discretion of the inspector, it is necessary, he shall post notice upon the premises

stating that work has been approved and may be covered, or it is not approved and may not be covered until such further inspection as is necessary has been made. Any person destroying, altering or defacing such notice without the consent of the inspector, shall be deemed guilty of an offense under this section, and any work described in the notice shall be stayed pending the further necessary inspection. Upon the completion of the work that has been authorized by the issuance of a permit, it shall be the duty of the master electrician to whom the permit has been issued to immediately notify the inspector, who shall inspect such installations within three days, exclusive of weekends and holidays, of the time such notice was given."

Section 7: That Chapter 82, "Buildings and Building Regulations," Article IV, "Electrical Code," Division V. "Standards", Section 82-338 "Aluminum Conductors," and Section 82-349 "Suspension of Approval of Materials" of the Code of Ordinances, La Porte, Texas, are hereby adopted to read as follows:

"Sec. 82-338. Aluminum Conductors. Aluminum conductors may not be used in any wiring within residential buildings, nor in any residential underground service conductors. Aluminum conductors may be used in commercial applications as follows:

- (1) outside aerial conductors, and
- (2) service entrance conductors."

...

"Sec. 83-349. Suspension of Approval of Materials. The Building Codes Appeal Board (BCAB) may, for the good and justifiable reasons suspend or revoke the approval of certain materials or wiring."

Section 8: Article V, Fuel Gas Code, is hereby expressly repealed. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 9: Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 10: Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

Section 11: The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 12: This Ordinance shall be effective on July 15, 2013. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the 13th day of May, 2013.

CITY OF LA PORTE

By: 

Louis R. Rigby, Mayor

ATTEST:


City Secretary

APPROVED:


Assistant City Attorney

ORDINANCE NO. 2013 - 3481

AN ORDINANCE ADOPTING NEW BUILDING CODES (INTERNATIONAL CODE COUNCIL) BY AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY AMENDING CHAPTER 82, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE II "BUILDING CODES," SECTION 82-31 "ADOPTION" AND SECTIONS 82-32 "RESIDENTIAL CODE AMENDMENTS," AND 82-33 "BUILDING CODE AMENDMENTS"; ARTICLE III "PLUMBING CODE," SECTION 82-66 "ADOPTION" AND 82-67 "AMENDMENTS"; ARTICLE VI "ENERGY CONSERVATION CODE," SECTION 82-412 "ADOPTION" AND SECTION 82-413 "AMENDMENTS"; ARTICLE VII "MECHANICAL CODE," SECTION 82-441 "ADOPTION" AND 82-442 "AMENDMENTS"; ARTICLE IV. "ELECTRIC CODE" DIVISION 4. INSPECTIONS, SECTION 82-308 "INSTALLATIONS TO BE CONCEALED," AND DIVISION 5. STANDARDS, SECTION 82-338 "ALUMINUM CONDUCTORS" AND SECTION 82-349 "SUSPENSION OF APPROVAL OF MATERIALS"; REPEALING ARTICLE V. "FUEL GAS CODE" IN ITS ENTIRETY; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 82, "Buildings and Building Regulations," Article II, "Building Code," Section 82-31 "Adoption," and Sections 82-32 and 82-33 "Amendments," of the Code of Ordinances, La Porte, Texas, are hereby amended to read as follows:

"Sec. 82-31. Adoption.

- (a) Except as provided in this division, the International Residential Code and the International Building Code, 2012 editions, published by the International Code Council, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling in the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of buildings and structures within the city limits. One copy of the building codes is on file in the office of the city secretary.
- (b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.
- (c) Any person who shall violate any provision of the standards adopted or established in this article shall upon conviction be punished as provided in Appendix B.

(d) Fees shall be in accordance with Appendix A of the City's Code of Ordinances.

Sec. 82-32. Residential Code Amendments.

The residential building code adopted in Section 82-31 of this Article shall be amended to read as follows:

Section R105.2 *Work Exempt from Permit.* **Plumbing:** The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets.

Table R301.2(1) *Climatic and Geographic Design Criteria.* Establishment of criteria in accordance with table shown.

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY "a"	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP "b"	ICE BARRIER UNDERLAYMENT REQUIRED "c"	FLOOD HAZARDS "d"	AIR FREEZING INDEX "e"	MEAN ANNUAL TEMP "f"
	Speed "a" (mph)	Topographic effects "b"		Weathering "a"	Frost Line Depth "b"	Termite "c"					
0	120	No	A	N	12"	VH	32°	No	4-9-87 11-6-96 6-18-07	1500 or less	67°

Section R301.2.1.2 *Protection of Openings.* Exterior glazing, in new or building additions, located in windborne debris regions shall be protected from windborne debris. Glazed opening protection for windborne debris shall meet the requirements of the Large Missile Test of ASTM E 1996 and ASTM E 1886 referenced therein. The applicable wind zones for establishing missile types in ASTM E 1996 are shown on Figure R301.2(4)C. Garage door glazed opening protection for windborne debris shall meet the requirements of an approved impact-resisting standard or ANSI/DASMA 115.

Part VIII, *Electrical Chapters 34-43 (E3401 thru E4304.5)* are deleted in their entirety.

Sec. 82-33. Building Code Amendments.

The building code adopted in Section 82-31 of this Article shall be amended to read as follows:

Section 101.1 *Title.* These regulations shall be known as the Building Code of the City of La Porte, hereinafter referred to as "this code".

Section 419 *Live/Work Units.* Deletion of entire section (Sections 419.1 thru 419.9)

Chapter 16, Figure 1609B, Ultimate Design Wind Speed (3-Second Gust). Wind speed for the City shall be 120 mph.

Section 27 Electrical. Chapter (Sections 2701 thru 2702.3) is deleted in its entirety.

Section 28 Mechanical Systems. Chapter (Section 2801) is deleted in its entirety."

Section 2: That Chapter 82, "Buildings and Building Regulations," Article III, "Plumbing Code," Section 82-66 "Adoption," and Section 82-67 "Amendments", of the Code of Ordinances, La Porte, Texas, are hereby amended to read as follows:

"Sec. 82-66. Adoption.

- (a) Except as provided in this article, the Uniform Plumbing Code, 2012 edition, published by the International Association of Plumbing and Mechanical Officials, as addressed by the plumbing regulations of the International Residential Code, 2012 edition, as adopted by Section 82-31 of this Chapter, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling in the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of buildings and structures within the city limits. One copy of the building codes is on file in the office of the city secretary.
- (b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.
- (c) Any person who shall violate any provision of the standards adopted or established in this article shall upon conviction be punished as provided in Appendix B.
- (d) Fees shall be in accordance with Appendix A of the City's Code of Ordinances.

Sec. 82-67. - Amendments.

The plumbing code adopted in section 82-66 of this article shall be amended to read as follows:

Section 102.3 Board of Appeal. Sections 102.3 and 102.3.1 are deleted in their entirety.

Section 103.1 General. Delete in its entirety.

Section 103.1.1 (2) Exempt Work. The clearing of stoppages, including the removal and reinstallation of water closets, or the repairing of leaks in pipes, valves, or fixtures.

Section 103.4 Fees. Fees shall be assessed in accordance with Appendix A of the City's Code of Ordinances.

Section 103.4.1 Plan Review Fees. Delete section in its entirety.

Section 103.4.4 Fee Refunds. Delete Sections 103.4.4 thru 103.4.4.2 in their entirety.

Section 106.6.3 Fee Refunds, No. 2. This section deleted in its entirety.

Section 106.6.3 Fee Refunds, No.3. This section deleted in its entirety.

Section 109 Means of Appeal. This section deleted in its entirety.

Appendix A Plumbing Permit Fee Schedule. This section deleted in its entirety.

Section 3: That Chapter 82, "Buildings and Building Regulations," Article V, "Fuel Gas Code" is hereby deleted in its entirety.

Section 4: That Chapter 82, "Buildings and Building Regulations," Article VI, "Energy Conservation Code," Division 2 "Standards", Section 82-412 "Adoption," and Section 82-413 "Amendments," of the Code of Ordinances, La Porte, Texas, are hereby amended to read as follows:

"Sec. 82-412. Adoption.

- (a) Except as provided in this article, the International Energy Conservation Code, 2012 edition, published by the International Code Council, as amended in Section 82-413 of this Article or addressed by the energy efficiency regulations of the International Residential Code, 2012 edition, as adopted by Section 82-31 of this Chapter, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling in the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of buildings and structures within the city limits. One copy of the building codes is on file in the office of the city secretary.
- (b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or

any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.

- (c) Any person who shall violate any provision of the standards adopted or established in this article shall upon conviction be punished as provided in Appendix B.

Sec. 82-413. Amendments.

The energy conservation code adopted in section 82-412 of this article shall be amended to read as follows:

Section C101.1 Title. This code shall be known as the International Energy Conservation Code of the City of La Porte, and shall be cited as such. It is referred to herein as "this Code".

Section C104.1 General. Construction or work for which a permit is required shall be subject to all required inspections. Inspections shall be performed by a certified and/or licensed party (i.e. 3rd Party).

Sections C104.4 thru C104.8.1. are deleted in their entirety.

Section R101.1 Title. This code shall be known as the International Energy Conservation Code of the City of La Porte, and shall be cited as such. It is referred to herein as "this Code".

Section R104.1 General. Construction or work for which a permit is required shall be subject to all required inspections. Inspections shall be performed by a certified and/or licensed party (i.e. 3rd Party).

Sections R104.4 thru R104.8.1 are deleted in their entirety."

Section 5: That Chapter 82, "Buildings and Building Regulations," Article VII, "Mechanical Code," Section 82-441 "Adoption," and Section 82-442 "Amendments" of the Code of Ordinances, La Porte, Texas, are hereby amended to read as follows:

"Sec. 82-441. Adoption.

- (a) Except as provided in this article, the Uniform Mechanical Code, 2012 edition, published by the International Association of Plumbing and Mechanical Officials, as addressed by the plumbing regulations of the International Residential Code, 2012 edition, as adopted by Section 82-31 of this Chapter, is adopted and incorporated as fully as if set forth at length in this section and the provisions therein shall be controlling in the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of buildings and structures within the city limits. One copy of the building codes is on file in the office of the city secretary.

- (b) If a section of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or any regulation adopted pursuant thereto or any other ordinance or code or regulation of the city, the provision which establishes the higher standard for the promotion of the health and safety of the people shall prevail.
- (c) Any person who shall violate any provision of the standards adopted or established in this article shall upon conviction be punished as provided in Appendix B.
- (d) Fees shall be in accordance with Appendix A of the City's Code of Ordinances.

Sec. 82-442. - Amendments.

The mechanical code adopted in section 82-441 of this article shall be amended as follows:

Section 103.1 General. This section deleted in its entirety.

Section 106.5.3 Fee Refunds, No. 2 (Permit Fee). This section deleted in its entirety.

Section 106.5.3 Fee Refunds, No. 3 (Permit Fee). This section deleted in its entirety.

Section 108.0 Board of Appeals. This section deleted in its entirety.

Section 109 Means of Appeal. This section deleted in its entirety.

Section 114.1 General. Fees shall be assessed in accordance with Appendix A of The City's Code of Ordinances.

Section 114.2 Permit Fees. The fee for each permit shall be in accordance with Appendix A of the City's Code of Ordinances.

Section 114.3 Plan Review Fees. This section deleted in its entirety.

Section 114.5 Investigative Fees – Work Without a Permit. Delete Sections 114.5 thru 114.5.1 in their entirety.

Section 114.6 Fee Refunds. Delete Sections 114.6 thru 114.6.3 in their entirety."

Section 6: That Chapter 82, "Buildings and Building Regulations," Article IV, "Electrical Code," Division IV, "Inspections", Section 82-308 "Installations to be concealed" of the Code of Ordinances, La Porte, Texas, is hereby adopted to read as follows:

"Sec. 82-308. Installation to be concealed. When any part of a wiring installation is to be concealed by permanent placement of parts of a building, the master electrician or authorized

representative to whom the permit has been issued shall notify the inspector, provided that on such installation as the concealment or parts of the wiring must, in the discretion of the inspector, necessarily proceed continuously, the master electrician to whom the permit has been issued shall give the inspector due notice, and inspection made periodically during the progress of work. Where, in the discretion of the inspector, it is necessary, he shall post notice upon the premises

stating that work has been approved and may be covered, or it is not approved and may not be covered until such further inspection as is necessary has been made. Any person destroying, altering or defacing such notice without the consent of the inspector, shall be deemed guilty of an offense under this section, and any work described in the notice shall be stayed pending the further necessary inspection. Upon the completion of the work that has been authorized by the issuance of a permit, it shall be the duty of the master electrician to whom the permit has been issued to immediately notify the inspector, who shall inspect such installations within three days, exclusive of weekends and holidays, of the time such notice was given."

Section 7: That Chapter 82, "Buildings and Building Regulations," Article IV, "Electrical Code," Division V. "Standards", Section 82-338 "Aluminum Conductors," and Section 82-349 "Suspension of Approval of Materials" of the Code of Ordinances, La Porte, Texas, are hereby adopted to read as follows:

"Sec. 82-338. Aluminum Conductors. Aluminum conductors may not be used in any wiring within residential buildings, nor in any residential underground service conductors. Aluminum conductors may be used in commercial applications as follows:

- (1) outside aerial conductors, and
- (2) service entrance conductors."

...

"Sec. 83-349. Suspension of Approval of Materials. The Building Codes Appeal Board (BCAB) may, for the good and justifiable reasons suspend or revoke the approval of certain materials or wiring."

Section 8: Article V, Fuel Gas Code, is hereby expressly repealed. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 9: Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 10: Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00).

Section 11: The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 12: This Ordinance shall be effective on July 15, 2013. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the 13th day of May, 2013.

CITY OF LA PORTE

By: 

Louis R. Rigby, Mayor

ATTEST:


City Secretary

APPROVED:


Assistant City Attorney